

Applicants : Cheree L. B. Stevens et al.
Appln. No. : 09/778,470
Page : 11

REMARKS

Claims 82 and 112-124 have been cancelled in this Response and claims 1-48 were previously cancelled. Claims 82 and 112-117 were not entered by the Examiner in the office action mailed April 28, 2004. However, these un-entered claims were identical to claims 118-124, which were newly presented when Applicants filed the Request for Continued Examination of March 26, 2004. Accordingly, claims 49-81 and 83-111 are pending in the present application. The independent claims, claims 49, 92, and 111, have been amended to state that the composition is free of corn starch. Claims 70, 73, 74, 84, 89, 96, and 97 have also been amended per the Examiner's suggestion. Applicants have also made various amendments correcting various typographical errors. Reconsideration is respectfully requested for the reasons discussed below.

Non-Final Rejection Mailed May 3, 2004

In the non-final rejection mailed May 3, 2004, the Examiner rejected claims 49-81, 83-111, 118-124 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated:

[i]n claim 49, the language 'substantially free of corn starch' is indefinite because the scope of the claim cannot be ascertained. It is not known how much corn starch can be present and the specification does not define what 'substantially free' mean [sic]. Page 8 of the specification discloses 10% or even more corn starch ingredient may be used. Thus, it is not clear what 'substantially free' constitute [sic]. Claims 92, 111 and 119 have the same problem as claim 49.

Similar concerns were raised regarding claim 118 because the scope of the claim could not be determined due to the phrase "containing about 0% corn starch." While Applicants disagree with the Examiner on this point, it is clear that an Appeal will be required in order to resolve this issue. As such, in order to advance prosecution of this case, Applicants have amended all of the claims to require the composition to be "free of corn starch." Accordingly, the

Applicants : Cheree L. B. Stevens et al.
Appln. No. : 09/778,470
Page : 12

Examiner's rejections are moot in light of Applicants' amendments and the claims are in condition for allowance.

Applicants have made a concerted effort to place the present application in condition for allowance, and a notice to this effect is earnestly solicited. In the event there are any remaining informalities or any other issues requiring Applicants' assistance, Applicants request the Examiner call the undersigned attorney.

Respectfully submitted,

CHEREE L. B. STEVENS ET AL.

By: Price, Heneveld, Cooper,
DeWitt & Litton, LLP

9/2/2004
Date

Todd A. Van Thomme
Todd A. Van Thomme
Registration No. 44 285
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

TAV/jrf